

REMARKS

This application has been reviewed in light of the final Office Action mailed on January 20, 2010. Claims 1-20 are pending in the application with Claims 1, 7, 12 and 17 being in independent form. Claims 1, 5, 7, 12 and 17 have been amended. In view of the amendments above and the remarks to follow, reconsideration and allowance of this application are respectfully requested.

Claims 1, 7-9, 12, 17 and 18 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Application No. 2003/0134650 to Sundar et al. in view of U.S. Application No. 2003/0065817 to Benchetritet, and further in view of U.S. Patent No. 7,010,300 issued to Jones et al. The rejection is respectfully traversed.

Claim 1, as presented herein, recites, *inter alia*, as follows:

“ ...wherein the mobility supporting module switches between the WWAN and WLAN, and dynamically updates the mapping relationship between the WWAN and WLAN based on when the mobile terminal enters or exits the WLAN by providing updated WWAN and WLAN address information via one or more encapsulating techniques” (emphasis added.)

At the top of page 6 of the present final Office Action, the Examiner admitted that Sundar does not disclose and/or suggest “establishing [a] mapping relationship between WWAN address and the WLAN address of the mobile terminal.” The Examiner relied on Benchetritet to cure such deficiencies.

However, according to page 7 of the present final Office Action, Benchetritet “does not particularly refer to wherein the mobility support in [sic] module determines whether to switch between the WWAN and WLAN based on user location by providing updated WWAN and

WLAN address information via one or more encapsulating techniques.” The Examiner relied on Jones to cure such deficiencies.

Jones is directed to a method of handing off an ongoing wireless telecommunication session with a mobile station when the mobile station is engaging in the ongoing communication session via a first access system, and then registers in a second access system. When communicating with the first access system, the mobile station communicates with a first access node according to a first protocol. When communicating with the second access system, the mobile station communicates with a second access node according to a second protocol, which is a different protocol than the first protocol. After registration of the mobile station in the second access system, the ongoing communication session is carried between the mobile station and the second access node according to the second protocol over the first protocol. More specifically, the ongoing communication session is carried between the mobile station and the second access node using the first protocol encapsulated in the headers of the second protocol.

Jones describes various methods for handing off an ongoing wireless communication session with reference to the figures. None of the methods described by Jones discloses and/or suggests that “the mobility supporting module switches between the WWAN and WLAN, and dynamically updates the mapping relationship between the WWAN and WLAN based on when the mobile terminal enters or exits the WLAN by providing updated WWAN and WLAN address information via one or more encapsulating techniques,” as recited by Applicant’s Claim 1.

In contrast, in the present disclosure, as described at page 5, paragraph [0077], a mobile control module (MCM) and a mobile supporting module (MSM) are added into the mobile terminal and the WWAN network system, respectively. When the mobile terminal enters/leaves the WLAN, it sends registration report/canceling registration report to MSM through MCM, so

that MSM can timely update the mapping relationship between an invariable GPRS address and a WLAN address of the mobile terminal. Thus, when the mobile terminal in the WLAN attempts to enjoy high-speed data services via the WLAN, it can re-encapsulate the traffic packets to be transmitted through MCM, or re-encapsulate the traffic packet to be transmitted to the mobile terminal through MSM. Hence, the mobile terminal can incessantly access the network resources during handover between the WLAN and the WWAN.

In other words, the switching between the WWAN and WLAN directly depends on the mobile terminal entering in the WLAN and the mobile terminal exiting out of the WLAN. During the entering and exiting of the mobile terminal in and out of the WLAN, the mapping relationship between the WWAN and the WLAN is dynamically updated in real-time, as recited in the amended independent Claims. The portions of Jones cited by the Examiner (column 26, lines 5-16 and column 35, lines 29-35) do not teach and/or suggest such a handover methodology between a WLAN and a WWAN. There is no relationship between the entering and exiting of a mobile terminal and an updating of a WLAN and WWAN based on the entering and exiting.

Independent Claims 7, 12 and 17 include similar limitations to those of Claim 1, and are allowable over the prior art of record for at least the same reasons presented above for the patentability of independent Claim 1.

Claims 8, 9 and 18 respectively depend from Claims 7 and 17, and inherit all of the respective features of Claims 7 and 17. Thus, Claims 8, 9 and 18 are patentable for at least the same reasons discussed above with respect to each independent claim, from which they depend, with each dependent claim containing further distinguishing patentable features. Withdrawal of the rejections of dependent claims 8, 9 and 18 under 35 U.S.C. §103(a) and early allowance are respectfully requested.

Claims 2-6, 10, 11, 13-16, 19 and 20 were rejected under 35 U.S.C. §103(a) as being unpatentable over Sundar et al. in view of Benchetritet, in view of Jones et al., and further in view of U.S. Application No. 2005/0053034 to Chiueh. The rejection is respectfully traversed.

Dependent Claims 2-6, 10, 11, 13-16, 19 and 20, are allowable over the prior art of record for at least the same reasons presented above for the patentability of independent Claims 1, 7, 12 and 17. Chiueh does not address the deficiencies of Sundar et al, Benchetritet and Jones et al. with respect to independent Claims 1, 7, 12 and 17. Accordingly, the withdrawal of the rejection under 35 U.S.C. §103(a) with respect to dependent Claims 2-6, 10, 11, 13-16, 19 and 20 and allowance thereof are respectfully requested.

Additionally, at page 14 of the present Final Office Action, the Examiner stated:

“Consider claims 13-16, these are system claims corresponding to method claims 2-5. Therefore, they have been analyzed and rejected based upon the method claims 2-5 respectively.”

In other words, the Examiner rejected the system claims solely based on the rejection applied to the method claims. However, Applicant states that such rejection is improper. For example, Baldwin Graphics v. Siebert (Fed. Cir. 2008) states that:

“Unfortunately this approach blurred an important difference between the two independent claims, namely that claim 1 is an apparatus claim and claim 14 is a method claim. Despite their similarities, these claims are directed toward different classes of patentable subject material under 35 U.S.C. § 101. Courts must generally take care to avoid reading process limitations into an apparatus claim, see AFG Industries, Inc. v. Cardinal IG Co., 375 F.3d 1367, 1372-1373 (Fed. Cir. 2004), because the process by which a product is made is irrelevant to the question of whether that product infringes a pure apparatus claim, see Vanguard Products Corp. v. Parker Hannifin Corp., 234 F.3d 1370, 1372 (Fed. Cir. 2001) (“A novel product that meets the criteria of patentability is not limited to the process by which it was made.”).”

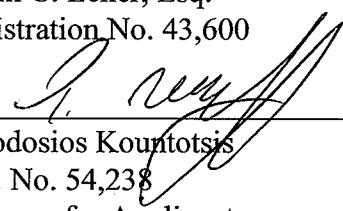
Thus, it would be improper to limit the system claims solely on the limitations recited in the method claims. It is respectfully requested that a detailed rejection be presented by the Examiner in the next correspondence detailing where all the elements of Claims 13-16 are presented in the applied reference(s).

In view of the foregoing amendments and remarks, it is respectfully submitted that all claims presently pending in the application, namely, Claims 1-20, are believed to be in condition for allowance.

If the Examiner should have any questions concerning this communication or feels that an interview would be helpful, the Examiner is requested to contact the undersigned.

Respectfully submitted,

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